

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, ET AL.,

Plaintiffs,

v.

TATE REEVES, in his official capacity as
Governor of the State of Mississippi, ET AL.,

Defendants.

Case No. 3:23-cv-272-HTW-LGI

**PLAINTIFFS' RENEWED
MOTION FOR INJUNCTION
PENDING APPEAL**

**RULING REQUESTED BY NOON
ON WEDNESDAY, JANUARY 3,
2024**

Pursuant to Fed. R. Civ. P. 62(d), Plaintiffs respectfully request that the Court issue an injunction preventing Defendants Randolph and Fitch from making appointments pursuant to H.B. 1020 § 4(2) and § 5(1) of the judge and prosecutors for the CCID Court during the pendency of Plaintiffs' appeal from the Court's December 31, 2023, order denying Plaintiffs' motion for a preliminary injunction. Dkt. 135. Although the Court has denied that motion, it presented "serious legal question[s]," which is the standard for an injunction pending appeal, when as here the equities weigh in favor of maintaining the status quo. *Campaign for S. Equal. v. Bryant*, 773 F.3d 55, 57 (5th Cir. 2014) (quoting *United States v. Baylor Univ. Med. Ctr.*, 711 F.2d 38, 39 (5th Cir. 1983)). Plaintiffs further respectfully request that the Court rule on this motion by no later than noon on Wednesday, January 3, 2024.

The CCID court has now come into existence, and Defendants Randolph and Fitch are now required by H.B. 1020 to make their appointments.¹ Those appointments, however, are

¹ Although the Court has dismissed Defendant Randolph from the case for all purposes, Dkt. 126, the Court has not directed the entry of a final judgment pursuant to Fed. R. Civ. P. 54(b) with respect to Defendant Randolph in this multi-defendant suit, and he therefore remains a party to the case.

currently stayed by order of the Court of Appeals, which expires at noon on Friday, January 5, 2024. *See* Exhibit A. Absent relief from this Court by noon on Wednesday, January 3, 2024, Plaintiffs will be constrained to seek relief from the Court of Appeals at that time in order for the Court of Appeals to have time to act before the expiration of the current stay at noon on January 5. Plaintiffs seek this relief in the first instance from this Court rather than the Court of Appeals because Fed. R. App. P. 8(a)(1) requires that a party seeking an injunction pending appeal “must ordinarily move first in the district court.”

In support of this motion, Plaintiffs respectfully refer the Court to the Memorandum of Points and Authorities filed herewith.

Respectfully submitted this 2nd day of January, 2024.

/s/ Mark H. Lynch

Eric H. Holder, Jr.,* DC Bar # 303115
Megan A. Crowley,* DC Bar # 1049027
Gary S. Guzy,* DC Bar # 375977
Mark H. Lynch,* DC Bar # 193110
Brenden J. Cline,* DC Bar # 1021317
David Leapheart,* DC Bar # 1032122
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-6000
Fax: (202) 662-6291
eholder@cov.com
mcrowley@cov.com
gguzy@cov.com
mlynch@cov.com
bcline@cov.com
dleapheart@cov.com

Counsel for NAACP

**Pro Hac Vice*

/s/ Carroll Rhodes

Carroll Rhodes, MS Bar # 5314
LAW OFFICES OF CARROLL RHODES
POST OFFICE BOX 588
HAZLEHURST, MS 39083
Telephone: (601) 894-4323
Fax: (601) 894-1464
crhode@bellsouth.net

Joe R. Schottenfeld,* DC Bar # 1735796
**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE**
4805 Mt. Hope Drive
Baltimore, MD 21215
Tel: (410) 580-5777
Fax: (410) 358-9350
jschottenfeld@naacpnet.org

Counsel for All Plaintiffs